

WILLIAM E. HATHORN  
L. B. PORTER

IBLA 80-777

Decided August 18, 1980

Appeal from decision by Eastern States Office, Bureau of Land Management, rejecting drawing entry card lease offer ES 22195.

Vacated and remanded.

1. Oil and Gas Leases: Applications: Generally

A drawing entry card lease offer submitted on an authorized, though superseded, version of Form 3112-1 should not be rejected solely for failure to complete the DEC where the omission is of information (the name of the state which is the location of the lands sought) not required on the current printing of the form.

APPEARANCES: William E. Hathorn, Esq., Prentiss, Mississippi, pro se;  
L. B. Porter, Union, Mississippi, pro se.

OPINION BY ADMINISTRATIVE JUDGE GOSS

William E. Hathorn appeals the decision dated June 4, 1980, wherein the Eastern States Office, Bureau of Land Management (BLM), rejected his drawing entry card lease offer ES 22195, drawn with first priority for parcel No. ES 170 in the September 1979 simultaneous oil and gas leasing program, for the reason that the card had not been fully executed under 43 CFR 3112.2-1(a), inasmuch as the name of the state was omitted.

Appellant states his card was filed on Form 3112-1 (May 1974), and contained all the information required now on Form 3112-1 (April 1978). He contends the name of the state serves no useful purpose now and that it was deleted from the card when state prefixes were included in the parcel number, i.e., ES 170. He argues that the cited authority for rejection in Etta D. Harris, 29 IBLA 259 (1977), is no longer applicable, due to the revision of Form 3112-1.

L. B. Porter, holder of the card drawn with second priority, is permitted to intervene. He argues that appellant exercised the option of using a particular form of offer card, and that the card used must be fully executed.

[1] Although the Board has strictly construed the term "fully executed," it has never held that more information be included on any application than is required on the current application form. Under Winkler v. Andrus, 594 F.2d 775 (10th Cir. 1979), no first drawn entry card should be rejected unless there is a significant violation of statute or regulation.

It is not proper to reject a drawing entry card where the only defect is omission of the name of the state in which the land is situated and the omission does not hinder the processing of the offer. William E. Hathorn, 48 IBLA 349 (1980). Where BLM modifies Form 3112-1 by eliminating the need for the name of the state in which the land is situated, offerors using a former printing of Form 3112-1 will not be penalized by rejection for failure to insert the name of the state. The requirement for inclusion of the name of the state was eliminated by BLM in 1977, when the office abbreviation was included in the parcel number.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is vacated, and the case remanded to BLM for further appropriate action.

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Joseph W. Goss  
Administrative Judge

We concur.

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Joan B. Thompson  
Administrative Judge

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Douglas E. Henriques  
Administrative Judge

